

IN THE DRAWINGS

The Examiner objected to the drawings under 37 CFR 1.83(a), noting that "the front seat frame assembly, center seat frame assembly, and the rear seat frame assembly fit together to form a full seat frame assembly' must be shown or the feature(s) cancelled from the claim(s)." Applicant has enclosed a corrected drawing sheet in compliance with 37 CFR 1.121(d), showing the features claimed. The brief description of the drawings has been updated accordingly. No new matter has been entered.

REMARKS

The Examiner rejected claims 1, 2, and 5 – 15 under 35 U.S.C. 103(a) as being unpatentable over Eischen (5,988,731). The Examiner separately rejected claims 3 and 4 under 35 USC 103(a) as being unpatentable over Eichen. Claims 1 and 9 have been amended and claim 5 has been cancelled, and claim 16 has been added. No new matter has been added. Reexamination and reconsideration of the present application are respectfully requested.

Eischen discloses a camping kit that fits over the bed of a pickup truck. The main components of the camping kit are a frame structure 17 and a pair of U-shaped support members 18. Elbow connectors 36 join the corners of the U-shaped members. The frame structure fits snugly in the bed of the pickup truck, and the U-shaped support members extend out and over the side walls of the bed. The frame structure, U-shaped support members, and other structural components of the assemblage are fabricated preferably of square metal tubing. Overlying the square tubing assemblage are a pair of sheets 26 which function as a platform for sleeping. The sheets are spaced apart, providing leg room for sitting, entering, or leaving the structure. With the square tubular assemblage in place, a collapsible tent can be erected, with flexible tent poles fitting into holes in the elbow connectors. The components can be disassembled for storage leaving the bed of the truck free for hauling cargo.

Claim 1, as amended, recites a portable truck tent, comprising:

a tent having a front side adjacent to a cab of the truck, and a rear side adjacent to the rear of the truck, and having a door and at least one window;

a front seat frame assembly located within and at the front side of the tent, made of round metal tubing having at least one pole that receives metal tubing;

a rear seat frame assembly located within and at the rear side of the tent, made of round metal tubing having at least one pole that receives metal tubing;

a center seat frame assembly located within and between the front and rear sides of the tent, made of round metal tubing having at least one pole that receives metal tubing;

an arcuate shell assembly comprised of rigid metal tubing that is selectively received by the at least one pole of the front seat frame assembly, the center seat frame assembly, and the rear seat frame assembly, and which supports the tent in a generally suspended configuration;

the shell assembly having an aerodynamic nose which slopes generally upward from the front side of the tent such that the vertical height of the front side of the tent is lower than the vertical height of the center and rear sides;

tie down means for securing the shell assembly and the seat frame assembly to the truck, wherein the tie down means in combination with the rigid shell assembly having an aerodynamic nose enable the truck tent to be stabile and securely attached to the truck under a variety of driving conditions; and

a plurality of bench seats joined to the front, center and rear seat frame assemblies.

The Examiner stated:

“Eischen discloses a truck tent (38) having a shell assembly comprised of tubing (39), front seat frame (22), center seat frame (37), rear seat frame (21), and poles (36). The poles (36) receive tubing (39) of the shell assembly”

Eischen does not disclose **tie down means for securing the shell assembly and the seat frame assembly, wherein the tie down means in combination with the rigid shell assembly having an aerodynamic nose enable the truck tent to be stabile and securely attached to the truck under a variety of driving conditions**, as recited in amended claim 1. Eischen discloses “a series of snaps 43 around the periphery of the tent to secure the tent in place on the tubular assemblage” (Col. 3, lines 48 - 51). Snaps are not sufficient to enable a tent to be stabile and securely attached to the truck under a variety of driving conditions. In fact, the flexible,

collapsible, shell tent disclosed in Eichen must be disassembled when the bed is needed to haul cargo (Col. 4, Lines 1 - 3), and is only suitable for camping, sleeping, or other uses where the vehicle remains stationary. (Col. 1, Lines 10 – 15).

Nor does Eischen disclose a **shell assembly having an aerodynamic nose which slopes generally upward from the front side of the tent such that the vertical height of the front side of the tent is lower than the vertical height of the center and rear sides**, as recited in claim 1. Eischen discloses camping tents in general, and in particular a collapsible dome tent with a back side that slopes down such that the vertical height of the rear side is no higher than the vertical height of the front. (Fig. 3; Col. 3, Lines 35 - 40).

Finally, Eischen does not disclose a **shell assembly comprised of rigid metal tubing that is received by the at least one pole of the front seat frame assembly, the center seat frame assembly, and the rear seat frame assembly**, as recited by amended claim 1. The dome tent disclosed in Eischen has *flexible* support poles which are lodged in openings provided in elbow connectors 36. (Col. 3, Line 39 – 41). Eischen does not disclose that these flexible support poles are “rigid” or “comprised of metal tubing,” as recited in claim 1. In fact, the poles are “flexible,” which teaches away from using a rigid composition for the shell assembly.

For the above reasons, applicant respectfully submits that claim 1 as amended distinguishes over Eichen.

Independent claims 9 and 16, as amended, recite similar limitations as amended claim 1. Thus, Applicant respectfully submits that independent claims 9 and 16 distinguish over Eichen for the same reason as discussed above with respect to claim

1.


Claims 2 - 4 and 6 - 8, depend, directly or indirectly, from claim 1. Thus, Applicant respectfully submits that claims 2 - 4 and 6 - 8 distinguish over Eichen for the same reason as discussed above with respect to claim 1. Claims 10 – 15 depend, directly or indirectly, from claim 9. Thus, Applicant respectfully submits that claims 10 – 15 distinguish over Eichen for the same reason as discussed above with respect to claim 9.

Applicant believes that the foregoing remarks place the application in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

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